



DEC 23 1991

Reply to
Attn of: HW-104

FILE COPY

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Kirk A. Steinseifer
Area Operations Manager
Van Waters and Rogers, Inc.
3950 N.W. Yeon Avenue
Portland, Oregon 97210

Re: Notice of Violation and Warning
Van Waters and Rogers, Inc., Portland, OR
EPA ID No. ORD 00922 7398

Dear Mr. Steinseifer:

On September 24 and 25, 1991, representatives of the United States Environmental Protection Agency (EPA) conducted a Compliance Evaluation Inspection of the referenced facility pursuant to Section 3007 of the Resource Conservation and Recovery Act as amended by the Hazardous and Solid Waste Amendments of 1984 (RCRA).

The Oregon Department of Environmental Quality (DEQ) is authorized to regulate the management of hazardous waste in Oregon in lieu of the federal government except certain provisions contained in the Hazardous and Solid Waste Amendments of 1984. This inspection was conducted by EPA in cooperation with DEQ in order to meet Congressional mandates under Section 3007(e) of RCRA.

The purpose of the inspection was to determine whether activities at the facility were in compliance with hazardous waste management regulations adopted by EPA and DEQ under RCRA. This Notice of Violation and Warning (hereinafter "Notice") is being issued to your facility based on findings from the inspection. Pursuant to Section 3008 of RCRA, DEQ was notified that EPA intended to issue this Notice.

1. 40 C.F.R. Section 262.11 requires that the generator of a solid waste must determine if that waste is a hazardous waste. On 9/24/91, a plastic blue 55 gallon drum, labelled with the trade name "Harshaw Electropure 24 Nickel Sulfamate", was observed in the south yard area. Tipping of the drum indicated it still had approximately 20 pounds of liquid remaining in it, or three gallons. The drum was in an area of empty containers to be shipped to a coooperage. The container did not have a hazardous waste label or any other indication that a waste

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determination had been made, in violation of 40 C.F.R. Section 262.11.

40 C.F.R. Section 262.34 codifies requirements that generators must meet in order to accumulate wastes without having a permit or interim status. During the inspection, the following violations of 40 C.F.R. Section 262.34 requirements were observed:

2. The facility did not have a current closure plan as required by 40 C.F.R. Section 262.34(a)(1), in that the plan, prepared on December 31, 1986, no longer accurately describes the processes at the facility and resources required to achieve closure of the facility.

3. Accumulation of hazardous waste, consisting of waste liquid, absorbent material and protective clothing from the on-going corrective measures process, in the satellite accumulation area in the old still building was not under the control of the operator of the process generating the waste, namely Mr. George Sylvester, in violation of 40 C.F.R. Section 262.34 (c)(1). Unless the waste is under the control of the operator, the waste must be managed in accordance with 40 C.F.R. Section 262.34(a) without a permit or interim status.

There were three other items which were not violations of specific regulations but should be brought to your attention for possible action:

1. The log used to account for containers in your 90 day storage area has no space allotted for noting of discrepancies. The use of this type of system can be useful in correcting potential problems.
2. On 9/24/91, a spill of a white powder occurred near the loading dock, and it was not known what the material was that was spilled. I would encourage you and your staff to be better familiar with the materials handled at the facility and their potential hazards.
3. In the south yard area, there were 12 pallets of small nitric "bombs", each of which had varying amounts of liquid in them. These containers should be checked to verify that the pH of the residual rinsate does not make it a hazardous waste.

To address these matters fully, Van Waters and Rogers, Inc. must submit to EPA within 30 days of receipt of this Notice written documentation describing the measures that the facility will take to come into compliance with the regulations.

This documentation should be sent to:

Stephen Cochran, Chief
RCRA Compliance Section
U.S. EPA Region 10, HW-104
1200 Sixth Avenue
Seattle, WA 98101

Failure to respond within the time period specified may subject your company to additional enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928, including the assessment of civil penalties. Even if your facility does come into compliance within the time period specified, we reserve the right to issue a complaint with proposed penalties for the violations identified if, in EPA's judgement, such enforcement action is appropriate.

If you have any technical questions regarding this Notice, please contact Kevin Schanilec. He can be reached at U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553-1061.

Sincerely,



Michael F. Gearheard, Chief
Waste Management Branch

cc: John Boik, ODEQ
Bruce Long, EPA 000